



FREQUENTLY ASKED QUESTIONS

Improving Staff Performance, Part I

Analyzing Performance Gaps

Q. What do we do about employees who have a bad attitude?

To conclude that employees have a “bad attitude,” you must be able to specifically and objectively describe the behavior or work performance of employees in nonevaluative terms. Be careful not to label employees before you have attempted to diagnose their performance.

Try to suspend your judgment about their “attitude” and focus on the behavior or performance that is leading you to the conclusion that they have a “bad attitude.” For example, are the employees frequently late? Do they tend to complain or roll their eyes when receiving new assignments? Do they treat their co-workers or the court’s customers with disrespect? If it is the latter, what does “disrespect” mean to you? What behavior has occurred that has led you to label the employees “disrespectful” and, in turn, led you to conclude that they have “bad attitudes”?

Now that you have a clear, specific, behaviorally based description about the employees’ performance, the next step is to compare that performance with the expectations that you have set for your staff. Setting expectations helps you to hold staff accountable for their performance. In the broadcast we discussed how the performance expectations are aligned with the court’s goals and objectives. Ask yourself how the behavior of these employees prevents them from meeting the expectations that you have set for your staff.

In the second broadcast, *Addressing Performance Gaps* (January 18 and February 15), we’ll discuss why it is important to set expectations. We will take a closer look at this crucial and often overlooked goal of having clear expectations.

If employees are experiencing problems outside work that are affecting their behavior at work, you may need to inform them about your Employee Assistance Program.

Q. How do we deal with employees being a couple of minutes late for work or not coming back from lunch on time? Other than that, the employees' work is really excellent.

The solution here is to find out first what is going on with the employees and the reasons for their tardiness. Is this something that everyone is doing and is perceived as acceptable by the organization? They just can't get back from lunch on time? The lines at the sandwich shop are too long? Are they taking advantage of the organization because they think their good work habits entitle them to be treated differently from other employees?

Obviously, occasional lateness at work will occur. If it becomes a pattern, discuss the reasons with the employees, and let them know what your expectations are and how you define "being on time." Does being on time mean employees coming through the courthouse doors at 8:00 a.m. but not being at the workstation until whenever they get their coffee and muffin from the break room? Or does it mean being at their desks and ready to work at 8:00 a.m.? Similarly, define expectations for breaks and lunch.

Once they know what your expectations are, follow through to ensure that the behavior is corrected. You should aim to treat all employees equitably, so it would be a mistake to hold most of your employees to one standard and a select few to another. You could create an internal "caste" system that could cause resentment, damage morale, and unnecessarily raise personnel issues for your organization.

Consider being flexible with work start time if the issue, such as childcare or transportation, is out of the employees' control. Perhaps the court could modify the employees' schedule to accommodate the employees' needs. For example, employees could work from 8:15 a.m. to 5:15 p.m., or the employees' lunchtime could be adjusted. Such an arrangement would benefit both the employees and the organization.

You may also want to ask the employees about their career goals with the court. Probably, the employees will say they want to move up the ladder. It should be pointed out to them how their overall work style may influence their prospects for promotion. Being late can be considered a performance issue. The employees may be excellent workers, but if they are consistently late, this will impact how others view their performance and the quantity of work they can complete.

Q. What about employees who can't get their work done on time—or process enough cases because they are focusing on quality?

This problem calls for some task analysis by the supervisor or manager. If it seems that employees are not getting their work done for any reason, the supervisor should observe the employees' performance, observe how they process their work, and ask about their workload to determine why the employees are not completing their work in a timely or efficient manner.

Steps to take include:

- Define clearly what your standards/expectations are for the timely completion of work.
- Make sure those standards afford time for completing work accurately. Sometimes checking and verifying the accuracy of work may mean that it will take longer for employees to process cases. What is your organization's goal: volume and quick turnaround time, quality, or both?
- Consider how the job/task might be simplified for saving time. Do you need additional staffing?
- Look for other factors: Have you helped employees learn how to prioritize their work in order to meet your expectations?
- Ask yourself if they have been trained properly.
- Find out if they understand the purpose and importance of their work.
- Ascertain if they are unknowingly duplicating tasks or performing processes that are not necessary.
- Find out if they are stretching out the time it takes to do the work so they will be known for not processing cases in a timely manner and, therefore, will not be given additional work. (We will further examine "When good performance is punished" during the second broadcast, *Addressing Performance Gaps* (January 18 and February 15).)

Q. When employees exhibit "difficult" behavior, what does that look like?

One of the advantages of working in the court is the opportunity to be with people of different races, cultures, and ethnic backgrounds. Because of this, it becomes more important to refrain from calling an employee "difficult." What one may consider difficult behavior may be culturally appropriate behavior for another. Your definition of "difficult" will also probably be dramatically different from mine. The term "difficult" is an evaluative conclusion that personalizes employees' performance and, when used, will most certainly lead to defensiveness.

As discussed in the broadcast, we need to be careful about defining performance with labels that can be perceived as personally attacking employees. Ask yourself, when

employees behave in a “difficult” fashion, what does that look like? What are the specific behaviors that occur, and how is performance affected? Do these behaviors impact the morale or productivity of the unit as a whole? Do they affect how the public perceives the court, or do they impact fairness and access to justice in any way? How can you describe these behaviors or employees’ performance in specific, descriptive terms that will help you link the behavior to performance and expectations?

Q. My staff has different strengths and weaknesses, yet they are all performing the same job. How can I be objective about their performance and accept their differences?

The only option here is to accept your staff’s differences. You certainly cannot change them. We would all like to have a staff that is full of people with strengths, but the chances of this happening are rare. People’s strengths and weaknesses are created over a lifetime, and attempting to change them rather than embrace and use those differences to the organization’s advantage is an uphill battle!

Good supervisors and managers must also remember that people perform differently for different reasons. Perhaps employees who are not as stellar as the rest are bored with work and need a challenge. Perhaps they do not have the proper training or tools to do their job in the best way possible. Do they know “why” they are doing what they are doing? They cannot be required to do what they don’t know how to do or if they don’t understand why they are doing it.

Here are some things to consider:

- Determine desired outcomes, and review the correct procedures with your staff for obtaining them.
- Use your staff’s strengths and weaknesses to your advantage.
- Create balance among a team of workers by grouping those with different skills together. You don’t want a boat with all the heavy rocks on one side.
- Reposition employees according to their strengths and weaknesses to help them better succeed.
- Create a development plan for improving performance in specific areas.

Q. I am already in the “habit” of making conclusions about my staff. How do I go about becoming more objective?

Recognizing that you are quick to make conclusions without the data, observations, and information you need is the first step in addressing your “habit.” Good for you! Let’s hear from our experts on this issue:

Leisa Biggers responds:

Let's turn this around. How would you feel if others made conclusions about you regardless of whether it was out of habit or for some other reason? Consider this: maybe your staff has made conclusions about you as a result of your making conclusions about them and possibly demonstrating that in your interaction with them. Remember, as managers and supervisors, we are the leaders—the one setting the example. Questions to ask oneself:

- Why am I making these conclusions?
- Are my conclusions legitimate or a symptom of my own issues or cultural frames?
- Have I really taken the opportunity to get to know my staff by sitting down and talking with them?
- Do I communicate effectively with my staff?
- Am I honest and open with my staff?
- Have I recognized the differences in people?

Tina Burkhart responds:

One of the most important goals for supervisors and managers is to stay objective. And it is one of the most difficult! Step back and look at what is causing you to make these conclusions. I am a firm believer in the saying “that you cannot judge a book by its cover,” and I try to apply that in my dealings with employees. Observe their behavior and the office environment carefully over time and force yourself to keep an open mind. Often what you concluded in the beginning is the furthest thing from the truth.

Q. If personal factors are influencing performance, what is an acceptable level of involvement by the supervisor?

Basically you want employees to come to work healthy and able to perform. Ideally, as a supervisor or manager, you have established a relationship with your staff that will encourage your employees to be candid with you when personal factors interfere with work. On the other hand, you do not want to invade their privacy. In discussing your concerns with employees, referrals to the Employee Assistance Program may be advisable. As always, feel free to discuss your concerns with Human Resources or Personnel before meeting with employees.

In speaking with employees directly about performance-related issues that may have underlying personal factors, consider the following:

- Plan what to say before you meet with employees.
- Open communication with employees is key.
- Describe the behavior you have observed and why you are concerned.

- Know when to stop pushing for information that employees may not be ready to discuss. Submit to that feeling one has inside—intuition.
- Listen and let employees do most of the talking.
- Explain to employees how those personal factors impact their performance and what consequences could follow if performance is not addressed.
- Make sure employees know that you want them to succeed, but that success can only come about with their willingness to resolve the issue.

Q. How do you handle situations in which you have been very specific about errors and conduct, and employees refuse to acknowledge any wrongdoing? (*Employees say “only careless errors” were made, they are very defensive and think quantity of work is good, and to heck with the rest!*)

Good question. Because you have very clearly outlined your expectations, you now need to help your employees understand that they must follow those expectations or face the consequences. When employees know there are consequences for their actions, that knowledge is very effective in modifying behavior.

Go over the policies and procedures you have established and ask employees what they do not understand. Do they know the importance of their work and understand that careless errors are not acceptable? Do they need additional training or tools to do their job properly?

It is interesting that the employees are defensive. Is your approach putting the employees on the defensive? Perhaps you need to step back and look at how you are approaching the employees and if a different approach may achieve better results. Employees respond in different ways to the ways things are presented to them. Some require a tougher approach where others respond better to a less-than-confrontational approach. After you have considered all the above and applied it, if the employees continue to act in the same way, I would make sure that they are made aware again of the consequences and that you intend to follow through and apply those consequences if they do not modify their behavior.